

1 Jason E. Fellner - 245364
2 JFellner@mpbf.com
3 MURPHY, PEARSON, BRADLEY & FEENEY
4 88 Kearny Street, 10th Floor
5 San Francisco, CA 94108-5530
6 Telephone: (415) 788-1900
7 Facsimile: (415) 393-8087
8 Attorneys for Defendant
9 MEDITE CANCER DIAGNOSTICS, INC.

10 David J. Millstein - 87878
11 dmillstein@millstein-law.com
12 Gerald S. Richelson - 267705
13 grichelson@millstein-law.com
14 MILLSTEIN & ASSOCIATES
15 100 The Embarcadero, Suite 200
16 San Francisco, CA 94105
17 Telephone: (415) 348-0348
18 Facsimile: (415) 348-0336
19 Attorneys for Defendant
20 LEWIS OPPORTUNITY FUND, L.P.

21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 ROBERT McCULLOUGH, JR., an individual;
24 and, DR. ZHONGXI ZHENG, an individual,
25 derivatively on behalf of MEDITE CANCER
26 DIAGNOSTICS, INC., a Delaware Corporation,

27 Plaintiff,

28 v.

29 WILLIAM AUSTIN LEWIS IV, an individual;
30 STEPHEN VON RUMP, an individual; DR.
31 JOHN ABELES, an individual; JOEL
32 KANTER, an individual; GREGORY
33 FORTUNOFF, an individual; and LEWIS
34 OPPORTUNITY FUND L.P., a Delaware
35 Limited Partnership,

36 Defendants.

37 and

38 MEDITE CANCER DIAGNOSTICS, INC., a
39 Delaware Corporation,

40 Nominal Defendant.

41 Case No.: 3:18-cv-02864-RS

42 **DECLARATION OF DEFENDANT
43 STEPHEN VON RUMP IN FURTHER
44 SUPPORT OF NOMINAL
45 DEFENDANT MEDITE CANCER
46 DIAGNOSTICS, INC. AND
47 DEFENDANT LEWIS OPPORTUNITY
48 FUND, L.P.'S RE-NOTICE OF
49 MOTION TO SET ASIDE ENTRY OF
50 DEFAULT [DKT. NO. 32]**

51 Date: October 4, 2018

52 Time: 1:30 P.M.

53 Place: Courtroom 3 of Honorable Richard
54 Seeborg

1 I, STEPHEN VON RUMP, hereby declare:

2 1. I am currently the CEO of Defendant Medite Cancer Diagnostics, Inc. ("Medite" or "the
3 Company") and am also the Managing Director of Medite GmbH. I make this Declaration based on my
4 personal knowledge and review of the relevant documents in further support of Defendants Medite's and
5 Lewis Opportunity Fund, L.P.'s ("Opportunity Fund") Motion to Set Aside Entry of Default.

6 2. With the assistance of persons working at my direction, I have reviewed the list of
7 entities put forth in paragraph 5 of the Declaration of Robert McCullough to which he stated Medite
8 "routinely conducts extensive sales activities within California, selling and distributing its products to
9 following entities." Since Jan 1, 2017, Medite has engaged in one transaction with any of the
10 customers identified in Mr. McCullough's declaration. The transaction was through an intermediate
11 distributor in the amount of \$22.

12 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
13 true and correct. Executed this 25th day of August, 2018, in St. Louis, MO.

14
15 By: /s/Stephen Von Rump
16 STEPHEN VON RUMP
17
18
19
20
21
22
23
24
25
26
27
28